

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

David Oppenheimer,)	CASE NO: 2:19-cv-3590-DCN
)	
Plaintiff,)	
)	
v.)	
)	
Michael C. Scarafile, Patricia R. Scarafile,)	
Sheila Glover Romanosky, and)	
O'Shaughnessy Real Estate, Inc., d/b/a)	
Carolina One Real Estate,)	
)	
Defendants.)	
)	
)	
)	

**DEFENDANT'S EMERGENCY MOTION TO COMPEL PLAINTIFF
TO APPEAR FOR DEPOSITION AND PRODUCE REQUESTED DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 26, 30, 33, and 37(a), and Local Rule 37.01, Defendants, through their attorneys, moves to compel Plaintiff's appearance for a properly-noticed deposition scheduled for **July 29, 2021**, and for Plaintiff to provide full and complete responses to certain of Defendants' discovery requests, including Defendants' Requests for Production Nos. 1-4, 21, 35, 39, 64, 72-75, and Defendants' Interrogatory No. 5. Counsel for the Defendants represent that they conferred with the Plaintiff in a good faith attempt to resolve the specific areas of disagreement, but the parties were unable to resolve the issues as set forth in this Motion. **Specifically, Plaintiff by and through Counsel has affirmatively indicated his intention to forgo the scheduled deposition in light of the unresolved matters addressed in part by this motion.** The discovery period in this matter is scheduled to conclude on **August 6, 2021**.

WHEREFORE, for the reasons set forth in the Memorandum of Law filed contemporaneously in support of this Motion, Defendants pray this Court **grant an immediate emergency order**

compelling the Plaintiff to appear at his deposition as properly noticed and in accordance with Fed. R. Civ. P. 30. Defendants further pray the Court find for the Defendants regarding the remaining matters contained herein and compel Plaintiff to produce documents and information as requested. Defendants also pray this Court compel Plaintiff pay Defendants' reasonable expenses and attorneys' fees pursuant to Fed. R. Civ. P. 37(a)(5)(A), and for other and further relief as the Court deems just and proper.

Dated: July 27, 2021

WE SO MOVE

/s William La Salle

William La Salle III, Esq.
Stipkala & Klosowski d/b/a Thrive IP®
100 Spinnaker Run Ln
Smithfield, VA 23430
Tel: 757.755.2257
Fax: 757.542.3811
WLaSalle@Thrive-IP.com
Pro Hac Vice

/s Jeremy M. Stipkala

Jeremy M. Stipkala, Esq.
Fed. ID No. 10479
Stipkala & Klosowski d/b/a Thrive IP®
5401 Netherby Ln. Suite 1201
North Charleston, SC 29420
Tel: 843.580.9057
Fax: 866.747.2595
Jeremy.Stipkala@Thrive-IP.com

Attorneys for Defendants